

REMARKS

This Preliminary Amendment is filed prior to initial review of the application and serves to amend the "Cross Reference to Related Applications" originally filed with the application. The Applicant is concurrently filing a petition (a copy of which is attached as 5 Exhibit A) under 1.78(a)(3) to accept unintentionally-delayed claim of priority under 35 U.S.C. 120 for the benefit of a prior-filed non-provisional application. This petition is being mailed separately and directly to Mail Stop Petition.

The Applicant does not believe that any fees are due. However, the Commissioner is hereby authorized to charge any fees that may be due, or credit any overpayment of same, 10 to Deposit Account No. 50-0311, Reference No. 24334-003.

Respectfully submitted,

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Dated: May 4, 2005

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MAY 04 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Caduff et al..

SERIAL NUMBER : 10/656,997

EXAMINER : Not Yet Assigned

FILING DATE : September 5, 2003

ART UNIT : 1743

FOR : *IMPEDENCE SPECTROSCOPY BASED SYSTEMS AND METHODS*

COPY

MAIL STOP PETITION

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Boston, Massachusetts
 February 4, 2004

PETITION PURSUANT TO 37 C.F.R. 1.78(a)(3) TO ACCEPT UNINTENTIONALLY-DELAYED CLAIM OF PRIORITY UNDER 35 U.S.C. §120 FOR THE BENEFIT OF A PRIOR-FILED NONPROVISIONAL APPLICATION

Pursuant to 37 C.F.R. §§ 1.78(a)(3), this petition is submitted to request perfection of the benefit claim in the above-referenced application. Although a benefit claim was included in an executed oath and declaration submitted on April 7, 2004, , it recently came to the attention of the Applicant's representative that the instant application does not contain the relationship of the present application to the non-provisional application listed in the first paragraph of the specification, as required under 37 C.F.R. § 1.78(a)(2) and (a)(5). A Preliminary Amendment A, which is being filed today (a copy of the preliminary amendment A is attached as attachment A), contains an amendment to the specification to include a specific reference to PCT Application No. PCT/US00/09150, which claims priority to U.S. Provisional Patent Application No. 60/127,926, filed on April 6, 1999 and to U.S. Nonprovisional Patent Application No. 09/543,119, filed April 5, 2000. A courtesy copy of this Response and Amendment is enclosed herewith.

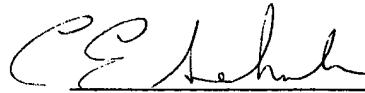
As required by 37 C.F.R §§1.78(a)(3)(iii), attached to this petition (as attachment B) is a statement that the entire delay between the date the benefit claim was due, according to 37 C.F.R. §§ 1.78(a)(2)(ii), and the date the benefit claim was perfected was unintentional.

Applicants submit herewith Check No. 20474 in the amount of \$1,370.00 for payment of

Caduff et al.
10/656,997

the surcharge specified in 37 C.F.R. § 1.17(t). The Commissioner is authorized to charge any additional fees that may be due, or to credit any overpayment, to the undersigned's account, Deposit Account No. 50-0311, Ref. No. 24334-003.

Respectfully submitted,



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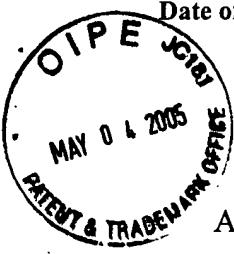
Customer No. 30623

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Express Mail Label No: EV464272047US
Date of Deposit: May 4, 2005

Attorney Docket No. 24334-003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



APPLICANTS : Caduff et al..
SERIAL NUMBER : 10/656,997 EXAMINER : Not Yet Assigned
FILING DATE : September 5, 2003 ART UNIT : 1743
FOR : *IMPEDENCE SPECTROSCOPY BASED SYSTEMS AND METHODS*

Mail Stop Petition
Commissioner for Patents
Washington, DC 20231

**STATEMENT IN SUPPORT OF PETITION TO ACCEPT UNINTENTIONALLY
DELAYED CLAIM OF PRIORITY UNDER 37 C.F.R. § 1.78(a)(6)(iii)**

The undersigned hereby states that the entire delay between the date on which the claim of priority was due, under 37 C.F.R. § 1.78(a)(3)(ii), and the date on which the priority claim was actually perfected was unintentional. Once aware of the errors committed in the priority claim, the undersigned worked diligently to minimize the delay in filing.

Respectfully submitted,

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Dated: May 4, 2005